IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.804 of 2005
Date of Decision:- 11.12.2006

Ramesh Kumar ....Petitioner

through
None.

vs.

Mohammad Alam ....Respondent

through
Mr.P.K.Ghangas, Advocate for
Mr.Atul Nehra, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The case has been called twice. No one appears on behalf of the petitioner.

This contempt petition has been filed, *inter alia,* alleging that the undertaking given by the Respondent before this Court on December 7, 2004 in Crl.Misc.No.57377-M of 2004 (Annexure P-2) has not been complied with.

The above-mentioned undertaking, in terms of which the respondent was liable to pay 50% of Rs.75,000/- to the complainant-petitioner, was given in a petition filed for the grant of pre-arrest bail.

In response to the show cause notice, the respondent has filed an affidavit which is taken on record. As per the averments made in the said affidavit, interim anticipatory bail granted to him was cancelled by this Court on a petition filed by the petitioner as the respondent had failed to comply with the undertaking given by him at the time of grant

of ad-interim bail. It has also been averred that thereafter the respondent was taken into custody and was released on bail by the learned Chief Judicial Magistrate on 22.12.2005.

In this view of the matter when the non-compliance of the undertaking as contained in the order dated December 7, 2005 has already caused cancellation of the pre-arrest bail granted to the respondent, I do not deem it appropriate to continue with this contempt petition which is accordingly disposed of.

Rule discharged.

December 11, 2006 **(SURYA KANT)**
poonam **JUDGE**